

original time herein prescribed, upon a showing of excusable neglect based on failure of a party to learn of the entry of the judgment, order or decree."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 29; title 21 section 848.

§ 2112. Record on review and enforcement of agency orders

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title; title 5 section 7123; title 7 sections 8, 9, 136n, 194, 228b-3, 1115, 1600, 1601; title 12 sections 1467a, 1786, 1818, 1848, 2266, 2268, 4583, 4634; title 15 sections 21, 45, 57a, 78y, 79x, 80a-42, 80b-13, 687e, 717r, 1193, 1262, 1394, 1474, 1710, 1825, 1913, 2008, 2060, 2618, 3416; title 16 sections 773f, 825l, 1536, 1858, 2437, 3142, 3373, 5010; title 19 sections 81r, 1677f; title 20 sections 351d, 1234g, 1413, 1416, 2727, 2834, 2972; title 21 sections 346a, 348, 355, 360g, 360kk, 371; title 22 section 1631f; title 26 section 3310; title 27 section 204; title 29 sections 160, 210, 660, 667, 727, 1578; title 30 sections 816, 1462; title 31 section 1263; title 33 section 921; title 39 section 3628; title 40 section 333; title 42 sections 263a, 291h, 504, 1316, 1320a-7a, 2022, 3027, 3785, 5311, 5405, 6029, 6306, 6869, 7525, 8412, 9152; title 43 sections 355, 1349; title 46 App. section 1181; title 47 section 402; title 49 App. sections 1486, 1674b.

PART VI—PARTICULAR PROCEEDINGS

Chap.		Sec.
165.	United States Court of Federal Claims Procedure.....	2501
176.	Federal Debt Collection Procedure.....	3001
178.	Professional and Amateur Sports Protection.....	3701

AMENDMENTS

1992—Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted "United States Court of Federal Claims" for "United States Claims Court" in item for chapter 165.

Pub. L. 102-559, § 2(b), Oct. 28, 1992, 106 Stat. 4228, substituted "Procedure" for "Procedures" in item for chapter 176 and added item for chapter 178.

1990—Pub. L. 101-647, title XXXVI, § 3302 [3612], Nov. 29, 1990, 104 Stat. 4964, added item for chapter 176.

CHAPTER 153—HABEAS CORPUS

§ 2241. Power to grant writ

RULES OF THE SUPREME COURT

Procedure on petitions for writ, see rule 20, Appendix to this title.

§ 2254. State custody; remedies in Federal courts

RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS

(Effective February 1, 1977, as amended to January 4, 1993)

Rule 10. Powers of Magistrates

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 2255. Federal custody; remedies on motion attacking sentence

RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS

(Effective February 1, 1977, as amended to January 4, 1993)

Rule 10. Powers of Magistrates

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

CHAPTER 158—ORDERS OF FEDERAL AGENCIES; REVIEW

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2321 of this title; title 2 sections 1209, 1219, 1220; title 7 sections 149, 150gg, 163; title 8 section 1105a; title 21 sections 104, 117, 122, 127, 134e, 135a; title 31 section 755; title 39 section 3628; title 42 sections 2239, 2242, 3612; title 45 section 431; title 46 App. section 1712; title 47 section 402; title 49 sections 10934, 11901; title 50 section 167h.

§ 2341. Definitions

As used in this chapter—

[See main edition for text of (1) and (2)]

(3) "agency" means—

[See main edition for text of (A)]

(B) the Secretary, when the order was entered by the Secretary of Agriculture or the Secretary of Transportation;

[See main edition for text of (C) and (D)]

(As amended Pub. L. 102-365, § 5(c)(1), Sept. 3, 1992, 106 Stat. 975.)

AMENDMENTS

1992—Par. (3)(B). Pub. L. 102-365 inserted "or the Secretary of Transportation" after "Secretary of Agriculture".

§ 2342. Jurisdiction of court of appeals

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of—

[See main edition for text of (1) to (4)]

(5) all rules, regulations, or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title and all final orders of such Commission made reviewable under section 11901(j)(2) of title 49, United States Code;

(6) all final orders under section 812 of the Fair Housing Act; and

(7) all final agency actions described in section 202(f) of the Federal Railroad Safety Act of 1970.

Jurisdiction is invoked by filing a petition as provided by section 2344 of this title.

(As amended Pub. L. 102-365, § 5(c)(2), Sept. 3, 1992, 106 Stat. 975.)

REFERENCES IN TEXT

Section 202(f) of the Federal Railway Safety Act of 1970, referred to in par. (7), is classified to section 431(f) of Title 45, Railroads.

AMENDMENTS

1992—Par. (7). Pub. L. 102-365, which directed the addition of par. (7) at end, was executed by adding par. (7) after par. (6) and before concluding provisions, to reflect the probable intent of Congress.

§ 2344. Review of orders; time; notice; contents of petition; service

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2342 of this title; title 2 section 1209; title 7 sections 2149, 3804, 3805.

§ 2348. Representation in proceeding; intervention

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1209; title 7 sections 2149, 3804, 3805.

CHAPTER 161—UNITED STATES AS PARTY GENERALLY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 12 sections 209, 4621.

§ 2410. Actions affecting property on which United States has lien

[See main edition for text of (a) and (b)]

(c) A judgment or decree in such action or suit shall have the same effect respecting the discharge of the property from the mortgage or other lien held by the United States as may be provided with respect to such matters by the local law of the place where the court is situated. However, an action to foreclose a mortgage or other lien, naming the United States as a party under this section, must seek judicial sale. A sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States consents that the property may be sold free of its lien and the proceeds divided as the parties may be entitled. Where a sale of real estate is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem, except that with respect to a lien arising under the internal revenue laws the period shall be 120 days or the period allowable for redemption under State law, whichever is longer, and in any case in which, under the provisions of section 505 of the Housing Act of 1950, as amended (12 U.S.C. 1701k), and subsection (d) of section 3720 of title 38 of the United States Code, the right to redeem does not arise, there shall be no right of redemption. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien and where property is

sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of its claim with expenses of sale, as may be directed by the head (or his delegate) of the department or agency of the United States which has charge of the administration of the laws in respect to which the claim of the United States arises. In any case where the United States is a bidder at the judicial sale, it may credit the amount determined to be due it against the amount it bids at such sales.

[See main edition for text of (d) and (e)]

(As amended Nov. 29, 1990, Pub. L. 101-647, title XXXVI, § 3630, 104 Stat. 4966; Aug. 6, 1991, Pub. L. 102-83, § 5(c)(2), 105 Stat. 406.)

AMENDMENTS

1991—Subsec. (c). Pub. L. 102-83 substituted “section 3720 of title 38” for “section 1820 of title 38”.

1990—Subsec. (c). Pub. L. 101-647 inserted at end “In any case where the United States is a bidder at the judicial sale, it may credit the amount determined to be due it against the amount it bids at such sales.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101-647, set out as an Effective Date note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1444, 2409a of this title; title 12 section 1017k; title 26 sections 6327, 7424, 7425, 7434, 7810; title 38 section 3720.

§ 2412. Costs and fees

(a)(1) Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title, but not including the fees and expenses of attorneys, may be awarded to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. A judgment for costs when taxed against the United States shall, in an amount established by statute, court rule, or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation.

(2) A judgment for costs, when awarded in favor of the United States in an action brought by the United States, may include an amount equal to the filing fee prescribed under section 1914(a) of this title. The preceding sentence shall not be construed as requiring the United States to pay any filing fee.

[See main edition for text of (b) and (c)]

(d) [See main edition for text of (1)]

(2) For the purposes of this subsection—

[See main edition for text of (A) to (E)]

(F) “court” includes the United States Court of Federal Claims and the United States Court of Veterans Appeals;